REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated June 26, 2009 has been received and its contents carefully reviewed.

Claims 1, 2, 7, 10, 15, 21, 22, 29, 30, 38, 39 and 43-49 are hereby amended. Claims 3-6, 8, 9, 11-14, 16-20, 23-28, 31-37 and 40-42 are hereby canceled without prejudice to or disclaimer of the contents contained therein. No claims are added. Accordingly, claims 1, 2, 7, 10, 15, 21, 22, 29, 30, 38, 39 and 43-49 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

Claims 1-49 are rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention. *Office Action* at p. 2. The rejection of claims 3-6, 8, 9, 11-14, 16-20, 23-28, 31-37 and 40-42 is moot as claims 3-6, 8, 9, 11-14, 16-20, 23-28, 31-37 and 40-42 are canceled herein. Applicants do not necessarily agree with the Office, however, in an effort to advance the application to allowance, Applicants have amended independent claim 1, and request that the Office withdraw the 35 U.S.C. § 101 rejection of claim 1. Claims 2, 7, 10, 15, 21, 22, 29, 30, 38, 39 and 43-49 depend from independent claim 1. It stands to reason that the 35 U.S.C. §101 rejection of those dependent claims should be withdrawn as well.

Claims 1-49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over "A New Control Protocol for Home Appliances-LnCP" by Lee et al. (hereinafter "*Lee*") in view of "Towards Dependable Home Networking: An Experience Report" by Wang et al. (hereinafter "*Wang*"). *Office Action* at p. 2 The rejection of claims 3-6, 8, 9, 11-14, 16-20, 23-28, 31-37 and 40-42 is moot as claims 3-6, 8, 9, 11-14, 16-20, 23-28, 31-37 and 40-42 are canceled herein. Applicants respectfully traverse the rejection of the remaining claims and request reconsideration.

Independent claim 1 is allowable over *Lee* in view of *Wang* in that claim 1 recites a combination of elements including, for example, "the network electric device includes: an application software for performing an intrinsic function of the network electric device, and providing an interface with the application layer; a network management layer for managing a parameter or the network electric device accessing the network; and a parameter management layer for setting, getting or transmitting a parameter used in the application layer, the network

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layer, the data link layer and the physical layer upon the request of the network management sub-layer." *Lee* does not teach or suggest at least these features of claim 1.

Lee discloses that "LnCP layering consists of the Physical Layer, Data Link Layer and Application layer." *Lee* at p. 287. "The Physical Layer is responsible for data encoding and decoding" and "[t]he Data Link Layer is divided into MAC ... layer and Link Layer." *Lee* at p. 287. *Lee* also discloses that the Application Layer is responsible for message generation, reception, execution and fragmentation. See *Lee* at p. 287. *Lee*, however, is entirely silent as to any teaching or suggestion concerning "the network electric device includes: an application software for performing an intrinsic function of the network electric device, and providing an interface with the application layer; a network management layer for managing a parameter or the network electric device accessing the network; and a parameter management layer for setting, getting or transmitting a parameter used in the application layer, the network layer, the data link layer and the physical layer upon the request of the network management sub-layer." Thus *Lee* does not teach or suggest all of the features of independent claim 1.

Wang fails to cure the deficiencies of *Lee*. *Wang* discloses "the X10 powerline control protocol and devices" are used where the "private powerline networks are constructed by using an 10 signal filter to isolate a power strip from the common powerline." *Wang* at p. 46. *Wang*, however, is entirely silent as to any teaching or suggestion concerning "the network electric device includes: an application software for performing an intrinsic function of the network electric device, and providing an interface with the application layer; a network management layer for managing a parameter or the network electric device accessing the network; and a parameter management layer for setting, getting or transmitting a parameter used in the application layer, the network layer, the data link layer and the physical layer upon the request of the network management sub-layer." Thus *Wang* does not teach or suggest all of the features of independent claim 1.

For at least these reasons, Applicant respectfully requests that the Office withdraw the 35 U.S.C. § 103(a) rejection of independent claim 1. Claims 2, 7, 10, 15, 21, 22, 29, 30, 38, 39 and 43-49 depend from independent claim 1. It stands to reason that the 35 U.S.C. §103(a) rejection of those dependent claims should be withdrawn as well.
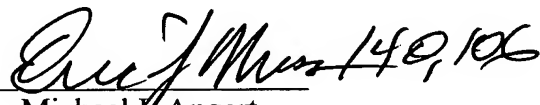
CONCLUSION

The application is in condition for allowance. Early and favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to Deposit Account No. 50-0911.

Dated: _September 28, 2009_   Respectfully submitted,

By _____
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